

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 13 – SUBREGION 30

SUNBELT RENTALS, INC.

and

**INTERNATIONAL UNION OF OPERATING
ENGINEERS LOCAL 139, AFL-CIO**

**Case Nos: 18-CA-236643,
18-CA-238989, and 18-CA-247528**

MOTION TO CONTINUE HEARING

Pursuant to Section 102.16 of the Board's Rules and Regulations, Sunbelt Rentals Inc. ("Sunbelt"), by and through counsel, respectfully files this Motion to Continue the Hearing in this matter, currently scheduled for November 18, 2019, to the week of December 16, 2019.

On September 20, 2019, Cases 18-CA-236643 and 18-CA-238989 were set for hearing on November 18, 2019. On October 17, 2019, the International Union of Operating Engineers Local 139, AFL-CIO ("Union") filed an amended charge in Case 18-CA-247528. On Friday, November 1, 2019, at 5:03 p.m. eastern, a Complaint was issued by the Regional Director of the National Labor Relations Act. On the same date, Case 18-CA-247528 was consolidated with Cases 18-CA-236643 and 18-CA-238989. As a result, Sunbelt now moves for a continuance of the existing hearing to the week of December 16, 2019. Sunbelt's witnesses are available during the week of December 16, 2019 and no party would be prejudiced by such a continuance. Absent a continuance, Sunbelt will face significant prejudice because of the new allegations raised in Case 18-CA-247528 just two (2) weeks before the hearing. Further, the timing of the consolidation of Case 18-CA-247528 does not permit Sunbelt sufficient time to serve subpoenas necessary to raise and litigate its defenses. *See* Sections 10340 and 11778 of the Board's Case Handling Manual for Unfair Labor Practice Proceedings. As such, Sunbelt hereby requests a

continuance of the hearing to the week of December 16, 2019.

Dated: November 5, 2019

SMITH, GAMBRELL & RUSSELL, LLP.

By: /s/ Patricia J. Hill

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on November 5, 2019, I electronically filed the foregoing with the NLRB and served the same on the following attorneys and the NLRB via e-mail and on Mr. McGowan via U.S. Mail:

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